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| 10/796,131 | 03/10/2004 | Yuji Nagai | 250220US2S | 2061 |

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| 22850 | 7590 | 09/19/2007 |
| OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, P.C. | | |
| 1940 DUKE STREET | | |
| ALEXANDRIA, VA 22314 | | |

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| EXAMINER | |
| PSITOS, ARISTOTELIS M | |

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| ART UNIT | PAPER NUMBER |
| 2627 | |

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| NOTIFICATION DATE | DELIVERY MODE |
| 09/19/2007 | ELECTRONIC |

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

patentdocket@oblon.com
oblonpat@oblon.com
jgardner@oblon.com

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| Office Action Summary | Application No. 10/796,131 | Applicant(s) NAGAI ET AL. | |
| | Examiner Aristotelis M. Psitos | Art Unit 2627 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 July 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1, 3, 5 and 6 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 3, 5 and 6 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 7/9/07 has been entered.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.

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4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

1. Claims 1 and 5 are rejected under 35 U.S.C. 102(e) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Nishida further considered with Ogata et al.

With respect to apparatus claim 5, note the discussion with respect to the pll capability – as well as that of figure 1 which depicts the claimed elements. The ultimate claimed element is interpreted as element 25 in the system.

Under 102 considerations, with respect to the newly inserted terminology, applicants' attention is drawn to the discussion with respect to the pp generator – element 8 in the overall system. This meets the newly claimed phraseology.

If applicants' can convince the examiner that such is not, then under 103 considerations, the Ogata et al system discloses an address decoder system, having a plurality of techniques, wherein the first technique (T1) provides for such a difference signal – see for instance col.2 lines 52 plus.

Hence it would have been obvious to modify the base system of Nishida with such a teaching, motivation is to increase the flexibility of the address decoding capability of the base system, and hence permit a plethora of encoded disc formats to be reproduced.

Method claim 1 is met when the above system operates.

Response to Arguments

Applicant's arguments with respect to claims have been considered but are moot in view of the new ground(s) of rejection.

2. Claims 3 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nishida further considered with Nakajima et al and all further considered with Fujimoto et al.

The Nishida is relied upon for the reasons stated above with respect to claim 1.

With respect to the newly introduced terminology, applicants' attention is drawn to the pp generator, element 8 in the overall system. This meets the claimed terminology.

There is no clear depiction of an address capability.

Nakajima et al discloses in this environment, the further capability of decoding appropriate decoding – see the discussion with respect to element 44.

It would have been obvious to modify the base system of Nishida with the additional teaching from Nakajima et al, motivation is to determine/decode the appropriate address information to ascertain the signal for reproduction.

Fujimoto et al discloses in this environment, the ability of measuring ber vs. jitter – see the discussion with respect to figure 6 and 10 for instance – especial with respect to the 1E-03 value.

It would have been obvious to modify the base system of Nishida & Nakajima et al with the above teaching from Fujimoto et al, motivation is to use alternative pdfs (probability density functions) known in the arts for the evaluation of ber (bit error rate) in order to evaluate an acceptable target value for reliability purposes.

Response to Arguments

Applicant's arguments with respect to claims have been considered but are not persuasive for the reasons stated above.

3. Claims 3 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nishida further considered with Ogata et al, both further considered with Nakajima et al and all further considered with Fujimoto et al.

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The Nishida is relied upon for the reasons stated above with respect to claim 1.

If the pp generator in the Nishida system fails to meet the newly introduced limitations, then further reference to Ogata et al, the first technique that teaches such a difference capability.

It would have been obvious to modify the base system of Nishida with the above teaching from Ogata et al, motivation is to increase the formats of the reproduced discs the base system can operate upon.

With respect to the newly introduced terminology, applicants' attention is drawn to the pp generator, element 8 in the overall system. This meets the claimed terminology.

There is no clear depiction of an address capability.

Nakajima et al discloses in this environment, the further capability of decoding appropriate decoding – see the discussion with respect to element 44.

It would have been obvious to modify the base system of Nishida with the additional teaching from Nakajima et al, motivation is to determine/decode the appropriate address information to ascertain the signal for reproduction.

Fujimoto et al discloses in this environment, the ability of measuring ber vs. jitter – see the discussion with respect to figure 6 and 10 for instance – especial with respect to the 1E-03 value.

It would have been obvious to modify the base system of Nishida & Nakajima et al with the above teaching from Fujimoto et al, motivation is to use alternative pdfs (probability density functions) known in the arts for the evaluation of ber (bit error rate) in order to evaluate an acceptable target value for reliability purposes.

Response to Arguments

Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

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Conclusion

Kim et al, and Inokuchi et al are cited as illustrative of prior art address decoding of wobbled signals in this environment.

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Aristotelis M. Psitos whose telephone number is (571) 272-7594. The examiner can normally be reached on M-Thursday: 6:00 - 3:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dwayne D. Bost can be reached on (571) 272-7023. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Aristotelis M Psitos
Primary Examiner
Art Unit 2627

